App. F. IX-4

Previous References
CS 16-23-1-13

1934 (Law)

File No. 214-3

Serial Nos. 1-4

(P-31)

Letter References.
Home 118.36(1-2)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four

Part B for OCt-35

SUBJECT.

Conduct of Criminal prosecutions against public servants for offences alleged to have been committed in their official Capacity.

4) To

The Heads of Departts
" D.C.S. of Dists.
" PPrs & Govt-Advs
" Compiler.

WD 03607—GPB—22,500—2-8-35

RO-P2185—2242 of 1 10.35

Passes orders on the above.

File No. of 1936.

General and Revenue Secretariat

General

The rules as drafted here may be sent to the I.G.P. for scrutiny if they wish but this Deptt also [illegible] S.T. 35

1) Draft sent S.T.

1a) Draft sent for approval

1a) I.S.D. S.T.

1) Issue sent S.T.

Issued no. P. 157 dt 8.7.36

TYPING SEC. 6. JUL.

10) Typed dft pursue

ISD 27/5 11) Please get the revised draft typed for sub[n]

DPP 7/5/-

TYPE SECTION
28 MAY 1935
GENL & REV. SECTT

12) Sub[d] with a clean draft

ISD 4/6

13) The need for a set of rules prescribing the procedure to be followed by public servants in moving govt to undertake their defences in criminal cases launched against them has been felt on many an occasion.

14) The I.G. of Police now has moved in the matter & has sent a draft set of rules for incorporation in his Police manual. This opportunity has been taken in preparing a general set of rules applicable to all departments. This may be incorporated in the Rules for the Conduct of Legal affairs of Govt as Part III.

A Subt for approval

Genl Secy

DPP 4/6

The IGP proposes inclusion in the Police Manual. The rules sent by him & if this is done with the proposal of the IGP the necessary Plan

File No. of 193

General and Revenue Secretariat

1) A Copy of the Police Manual is forwarded.
Copies of the Madras Police orders are said to have been taken from the High Court for the Abiscc? These are not traceable in this room.

TSD
13/5

3) Issue
MRL
14/5

Issued no. P. 6300 dt 14.5.35.

6289

General and Revenue Secretariat. | Law File No. of 1934. | [App. F. III-2

From

The D. S. P.

no. C. - 539-34 d 3.5.35 forwarding for appl. of Govt a set of rules re: the legal assistance for defence in the Criminal Prosecutions that may be launched against Police officers for acts done in discharge of their duty and soliciting orders to embody them in the new Police Manual under print

1) The proposed rules are said to be in force in Bombay the lines of the rules in Madras. A Copy of the Madras Police orders said to have been sent for perusal has not been received If appl. it will be called for.

2) The rules for the Conduct of the legal affairs of Govt do not specifically deal with the procedure to be followed in the prosecutions launched against Police officers. Rules 88-98 indicate the general procedure to be followed in defence of the suits against Govt officers. Dft rules will be closely examined after the receipt of the Copy of the Madras Police orders. Dft Calling for the same is subd for appl.

ISD 11/5

3) Where is the Police Manual refd to in Para 1 of the D.S.P's letter? Is there no copy of Madras Police orders in the Library?

From

The D.S.P

no. Cr-539/3035 d 27.8.35 returning

dgr per y rules

2) The D.S.P. is of opinion that the proposed are satisfactory and may be issued but he t that a rule may be added after rule 5 permitting the police dept to make its own arrangements for the defence of their officers in simple cases this may perhaps be app?

Sub? for order thereon a dgr S.O. may [illegible] sanctioning the addition of these rules to the rules for the legal affairs of Govt

TSD
30/8

3) The draft rules with the addn suggested by the D.S.P. may be approved

Col. Secy

MM

Conduct of Criminal proceedings instituted against Public servants

130/

File No. 24 of 1934

General and Revenue Secretariat

Subj: con. dft. G.O. for abbl.

ISD 18/9

Faird rabb

BNP 20/9

Typed dft. for us

The draft G.O. c. for approval. The original rules for the conduct of legal affairs of Govt were issued after perusal & approval by Dewan & after submn to H.H. This may perhaps issue after perusal by Dewan

Geasley)

BNP 23/9

Itm 24.9.

BNP 25/9

D... OFFICE 24 SEPT. 1935 No. 2078

Please bring BNP 18/9

Draft & observations returned ISD 20/9 dft for us.

PRINTING SECTION 23. SEP. 1935 GNL. & REV. SECTT.

23 SEP. 1935 bkg

6289 P 35

POLICE DEPARTMENT.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, the 3rd May 5 *193*

Law 214-34

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

Rajasevasakta

R.Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

CHIEF SECRETARY'S OFFICE 4 MAY 1935

Law pml 4/5

SIR.

I have the honor to state that Rule 151 of the existing Police Manual Part I lays down the rule relating to the procedure to be adopted in case of Civil suits against Police Officers and this has been embodied in the New Manual under print with the addition of the directions contained in G.O.No. P. 4966-5056/Cts.26-13-1 dated 10/19th March 1924 relating to further procedure.

But there is no rule indicative of the procedure to be adopted in regard to the legal assistance for defence, in the Criminal Prosecutions that may be launched against Police Officers for acts done in the discharge of their duty. With the advance of time the facilities and safeguards that should be provided to Police Officers to discharge their duty fearlessly and within the bounds of law must necessarily increase. One such is the provision for legal assistance in criminal prosecutions brought against them. Rules on this matter are in force in British India and a copy of the Madras Police Orders on the subject is forwarded for perusal.

It is necessary to introduce similar rules here and embody them in the Police Manual. I enclose a set of rules on the Madras model suitably altered to suit our conditions and I request that early orders of Government may be obtained in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

Legal assistance for public servants

The following orders regulate the provision of legal assistance for public servants against whom criminal prosecutions are instituted for offences alleged to have been committed in their official capacity, or who themselves institute in their official capacity criminal ~~prosecutions~~ proceedings against others:-

1. When a public officer is prosecuted criminally for an offence alleged to have been committed in his official capacity, he may, if he is willing to bear the cost of his defence, make his own arrangements for legal assistance. If, however, he desires that the whole or any part of the cost of his defence shall be borne by the State, he shall observe the following procedure, namely:-

The officer against whom the prosecution is instituted shall before taking any steps which may commit Government to expenditure, report the facts (if necessary through the head of his office) to the District Magistrate and request the District Magistrate either to appoint a lawyer to undertake the defence of the case on his behalf or to authorise him to engage legal assistance.

Note :- A Superintendent of Police should on no account withhold an application from a subordinate for legal assistance, but should invariably forward it to the District Magistrate concerned for disposal.

2. Upon the receipt of an application under rule (1), unless the matter is obviously a personal one or so simple that legal assistance is not necessary, the District Magistrate shall engage or authorise the engagement of legal assistance. If the District Magistrate authorises the employment of counsel, he should lay down any conditions or restrictions he may think necessary as to the cost to be incurred in the defence. If in any case the accused officer is unable to pay the counsel's fee without hardship, the District Magistrate may advance the necessary amount, subject to future decision and adjustment under rule (4).

Note:- (1) In simple cases arising in the Police Department, departmental aid will suffice and the defence may, with the express sanction of the District Superintendent of Police, be undertaken by an Inspector other than the Prosecuting Inspector or another experienced Police Officer -

In such cases the District Superintendent of Police is empowered to grant travelling allowance to accused Government servants in the Police Department. The decision whether the travelling expenses will be borne by the State or recovered from the officer concerned will be postponed until the conclusion of the case and will in all cases rest with the Government.

(2) Separate sanction should be obtained if legal assistance is required in respect of appeals or other proceedings arising out of the case.

3. Any accused officer who engages legal assistance without having first applied to the District Magistrate, as provided in rule (1), will be held to have waived any claim he might otherwise have possessed to have the cost of his defence borne by the State.

4. When legal assistance is engaged with the permission of the District Magistrate, the question whether the whole or any part of the cost incurred should be borne by the State, will be determined by the Government after the termination of the case.

5. Where a public servant desires legal assistance to conduct a prosecution either on his own behalf or on behalf of Government, he shall, before taking any step which will commit the Government to expnese, apply to the District Superintendent of Police for the assistance of the District Magistrate. The provisions of rules (2),(3) and (4) shall apply to the case.

Note:- Separate sanction should be obtained if legal assistance is required in respect of appeals or other proceedings arising out of the case.

6. Nothing in rule (2) or (5) shall authorise an officer to sanction the defence or prosecution at the cost of the State of a case in which he is personally concerned. Should such circumstances occur, they must be reported to Government for orders.

7. Application for refund of pleader's fees or other cost incurred under

competent sanction by a public servant in criminal proceedings instituted against or by him in his official capacity shall be submitted through the District Magistrate concerned.

8. When District Magistrates employ, or authorise the employment of counsel on behalf of public servants, the limit of daily fees laid down should not exceed Rs.16/- per diem or Rs.50/- in an ordinary case or Rs.100/- in a case in which the offence charged is a capital one.

9. In all cases coming under these rules, the fees payable should be settled and approved in advance.

10. In important cases the District Magistrate shall obtain orders of Government after consulting the Inspector General of Police.

H.V. Ramasvami, Esquire, M.A., B.L.,
General Secretary to the Government of His Highness
the Maharaja of Mysore.

F.A. Hamilton, Esquire, C.I.E.,
Inspector General of Police in Mysore, Bangalore.

Sir,

With reference to your letter No. C2-539-34 dated the 3rd May 1935 forwarding a draft set of rules in the matter of legal assistance for defence in the Criminal Prosecutions that may be launched against Police Officers for the acts done in discharge of their duty, I am directed to state that a copy of the Madras Police Orders said to have been sent for perusal has not been received and to request that the same may kindly be sent for reference and return early.

I have the honor to be,

S i r ,

Your most obedient servant,

pp

for General Secretary to Government

Section

File No.

Serial No.

No. P6304

Diary No. of letter replied to ....

To

The D.S.P.

Sir

General and Revenue Secretariat

With reference to your letter no. C-2-539-34 dt. 3.5.35 forwarding copy of rules in the matter of legal assistance for defence in the Criminal prosecutions that may be launched against Police officers for acts done in discharge of their duty, I am directed to state that a copy of the Madras Police order said to have been sent of personal has not been received and to request that these may kindly be sent for the

Date of issue 14/8/35

Signed by Mr N. R. S.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote
No. C2-539/34-35.

Dated Bangalore, 16th May *1935.*

Encls One.

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

The General Secretary to the Government of Mysore,
Bangalore.

SIR,

In continuation of this Office letter No.C2-539/34-35 dated 4th May 1935 forwarding draft rules in the matter of legal assistance in criminal prosecutions launched against Police Officers or acts done in discharge of their duty, I have the honour to enclose herewith a copy of Rule 224 of the Madras Police Orders. This has reference to your letter No.P.6304 dated 14th May 1935.

I have the honour to be,
Sir,
Your most obedient servant,

For Inspector General of Police.
(Absent from Station)

Legal assistance for public servants

224. The following orders of Government regulate the provision of legal assistance for public servants against whom criminal prosecutions are instituted for offences alleged to have been committed in their official capacity, or who themselves insitute in their official capacity criminal proceedings against others:-

(1) When a public officer is prosecuted criminally for an offence alleged to have been committed in his official capacity, he may, if he is willing to bear the cost of his defence, make his own arrangements for legal assistance. If however he desires that the whole or any part of the cost of his defence shall be borne by the State, he shall observe the following procedure, namely:-

(a) Presidency Town:- If the officer against whom the prosecution is instituted is serving in the Presidency Town, he shall, before taking any steps which may commit the Government to expenditure, report the facts (if necessary through the head of his office) to the head of his department and request the head of his department to move Government either to undertake the defence of the case on his behalf or to authorise him to engage legal assistance.

(b) Mufassal - If the officer against whom the prosecution is instituted is serving in the mufassal, he shall, similarly, before taking any steps which may commit Government to expenditure, report the facts (if necessary through the head of his office) to the District Magistrate and request the District Magistrate either to appoint a lawyer to undertake the defence of the case on his behalf or to authorise him to engage legal assistance.

Note:- A Superintendent of Police should on no account withhold an applica from a subordinate for legal assistance, but should invariably forw it to the District Magistrate concerned for disposal.

(2) Upon the receipt of an application under rule (1), unless the matter is obviously a personal one or so simple that legal assistance is not necessary, the head of the department in the Presidency Town shall report the matter to Government and in the mufassal the District Magistrate shall engage or authorise the engagement of legal assistance. If the District Magistrate authorises the employment of counsel, he should lay down any

conditions or restrictions he may think necessary as to the cost to be incurred in the defence. If in any case the accused officer is unable to pay the counsel's fee without hardship, the District Magistrate may advance the necessary amount, subject to future decision and adjustment under rule (4)

Note (1) In simple cases arising in the Police Department, departmental aid will suffice and the defence may, with the express sanction of the District Superintendent of Police, be undertaken by an Inspector other than the Prosecuting Inspector or another experienced Police Officer.

In such cases the District Superintendent of Police is empowered to grant travelling allowances to accused Government servants in the Police Department. The decision whether the travelling expenses will be borne by the State or recovered from the officer concerned will be postponed until the conclusion of the case and will in all cases rest with the Government.

(2) Separate sanction should be obtained if legal assistance is required in respect of appeals or other proceedings arising out of the case.

(3) Any accused officer who engages legal assistance without having first applied to the head of his department (in the Presidency Town) or to the District Magistrate (in the mufassal), as provided in rule (1), will be held to have waived any claim he might otherwise have possessed to have the cost of his defence borne by the State.

(4) When legal assistance is engaged with the permission of Government or with the permission of the District Magistrate, the question whether the whole or any part of the cost incurred should be borne by the State, will be determined by the Government after the termination of the case.

(5) Where a public servant either in the Presidency Town or in the mufassal desires legal assistance to conduct a prosecution either on his own behalf or on behalf of Government, he shall, before taking any step which will commit the Government to expense, apply through the head of his department, for the sanction of Government, if he is stationed in the Presidency Town, or for the assistance of the District Magistrate, if he is stationed in the mufassal. The provisions of rules (2), (3) and (4) shall apply to the case.

Note :- Separate sanction should be obtained if legal assistance is required in respect of appeals or other proceedings arising out of the case.

(6) Nothing in rule (2) or (5) shall authorise an officer to sanction the defence or prosecution at the cost of the State of a case in which he is personally concerned. Should such circumstances occur, they must be reported to Government for orders.

(7) Application for refund of pleader's fees or other cost incurred under competent sanction by a public servant in criminal proceedings instituted against or by him in his official capacity in the mufassal shall be submitted through the District Magistrate concerned.

(8) When District Magistrates employ, or authorise the employment of counsel on behalf of public servants, the limit of daily fees laid down should not exceed Rs.35 per diem or Rs.100 in an ordinary case or Rs. 300 in a case in which the offence charged is a capital one.

Note:- Pleaders other than public prosecutors appointed to conduct prosecutions on behalf of public servants shall receive for journeys by rail, by sea, or by river, or by road, the travelling allowance admissible, but will not be entitled to daily allowance, under the Madras Travelling Allowance Rules.

(9) In all cases coming under these rules, the fees payable should be settled and approved in advance.

---

for Inspector General of Police

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8 July *1935*

No. P 157 Jun PP13 /

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Inspector-General of Police in Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter No.C2-539/34-35 dated the 16th May 1935 forwarding a draft set of rules in the matter of legal assistance in criminal prosecutions launched against police officers, I am directed to forward herewith a draft set of rules applicable to all departments and proposed to be incorporated as Part III in the Rules for the Conduct of the Legal Affairs of Government issued in Government Order No. P.4966-5056/Cts.26-13-1 dated 10/19th March 1924. I am to enquire whether this would suit your purpose.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Govt.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 8/7/35

Signed by .....

Section Secy

File No. 216-34

Serial No. 2

No. P 15·7/Emp/35

To

The D.S.P.

Sir,

With reference Correspondence ending with your no. C2-5989/35-35 dt 16.5.35 forwarding draft set of rules in the matter of Legal Assistance in Criminal ~~proceedings~~ prosecutions launched against police officers I am directed to forward herewith a draft-set of ~~a Code of~~ general rules applicable in the all departments and ~~matter~~ proposed to be incorporated as Part III in the rules for the Conduct of the Legal affairs of Govt. ~~as Part III~~ and to request you to ~~be pleased to~~ enquire ~~at the instance of aggrieved~~

~~order of~~

~~une police dep[t] de~~ 2 gardiens

I have the

pol
577

du ... garde
TSD 4th

1051/935 14

POLICE DEPARTMENT.

Tel. Address
"POLICE"

PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote
No. C2-539/34-35

Dated Bangalore, 16th August. *193* 5.

Law 214-34-3

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

GENERAL SECRETARIAT
16 AUG. 19
Rec.

H.V.Ramasvami, Esq., M.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
BAGNALORE.

SIR,

Subject:- Legal assistance to Officers in Criminal cases launched against them.

With reference to your letter No.P.157/Law.214-34-2 dated 8th July, 1935, I have the honour to state that the rules framed by Government and sent to me for my opinion seem satisfactory and may be issued.

I wish, however, to suggest that a rule be added as follows afte rule 5 permitting the Police Department to make its own arrangements for the defence of their Officers in simple cases:-

"In simple cases against Police Officers departmental aid will suffice and the defence may with the express sanction of the District Superintendent of Police, be undertaken by an Inspector (other than a Prosecuting Inspector) or other experienced Officer".

I have the honour to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 23rd August *193*5.

No. P 1313 Law 214-34

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Inspector Generalof Police in Mysore,

Bangalore.

Sir,

With reference to your letter No.C2.539/34-35 dated 16th August 1935, stating that the proposed rules for legal assistance to police officers in Criminal cases launched against them seem to be satisfactory, I am directed to request that the draft set of rules sent with this office letter No.P.157 Law.214-34-2 dated 8th July 1935 may kindly be returned.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 21.8.1935

Signed by for N.R.J

List of enclosures .....

Copied by .....

Section Law

File No. 213-34

Serial No.

No. P 1313

To The D.S.O.

Sir,

With reference to your
letter no. Cr-539/34-35 dt 16th Aug 1935
stating that the proposed rules for
legal assistance to police officers
in Criminal Cases launched against them
seem to be satisfactory. I am
directed to request that we always
refer to rules sent with this office
letter no. P.157. Law 34-35 dt 8.7.35
may kindly be returned for
reference

I have etc

POLICE DEPARTMENT.

Tel. Address
"POLICE"
PHONE No. 298

When replying please quote No. C2-539/34-35

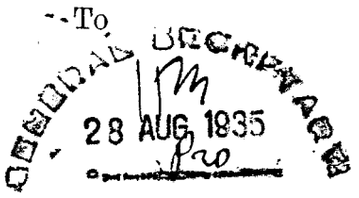
OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, 27th August 1935

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police
Bangalore.

To



The General Secretary
to the Government of His Highness the Maharaja of Mysore,
Bangalore.

As desired in your letter No.P.1313/Law.213-34 dated 23/26th August 35, I return, herewith, the copy of the draft Rules for Legal Assistance to Police Officers in Criminal Cases launched against them.

I have the honour to be,

Sir,

Your most obedient servant,

F. A. Hamilton

Inspector General of Police.

PART III.

Conduct of Criminal Prosecutions instituted against Public Servants for offences alleged to have been committed in their official capacity.

******

1. When a Public Officer is prosecuted criminally for an offence alleged to have been committed in his official capacity he may, if he is willing to bear the cost of his defence, make his own arrangements for his legal assistance. If however he desires that the whole or any part of the cost of his defence shall be borne by Government he shall observe the procedure prescribed below.

2) He shall collect with the least practicable delay all the information regarding the facts of the case which he can procure.

3) He shall immediately after being first apprised of the institution of a complaint against him submit the following papers through the ordinary channel of communication to the Head of his Department:-

(a) A copy of the complaint together with its enclosures, if any;

(b) A translation of the same into English when it is in vernacular the more important of the statements marked distinctly and notes being added in the margin whether such statements are correct or not and if not in what respects

respects they are inaccurate;

(c) A full and detailed statemen

(i) of the circumstances whi led to the prosecution,

(ii) of the course proposed t be adopted viz., whether to admit, compromise or defend the prosecution an of the reason for the sam and

(iii) of the evidence to be adduced.

(d) If the case is based on documentary evidence, copies the documents (or the origina relied on by the prosecution (if procurable) and by the defence.

(e) All the correspondence relatin to the transaction alleged, wi a request to move Government either to undertake the defenc of the case on his behalf or t authorise him to engage his own counsel at Government cost.

The Head of the Department shall fo o the Government, the papers re- with his own recommendation - r the officer concerned should be ed at the cost of Government or not In sanctioning the defence at ment cost, Government may either the Public Prosecutor or the ment Advocate as the case may be engaged for the defence or direct

the officer to engage his own counsel subject to such conditions and restrictions as to cost or otherwise that may be imposed on this behalf.

6) When the defence of the officer is sanctioned by Government the question whether the whole or part of the cost incurred should be borne by Government will be determined after the termination of the case.

7) The fees to be paid in case the Public Prosecutor or Government Advocate is engaged for the defence shall be regulated by rules 56, 57 and 58.

8) Whenever legal practitioners other than the Public Prosecutor or the Government Advocate are engaged, the fees payable shall be settled and got approved by Government prior to their engagement.

9) Any accused officer who engages legal assistance without obtaining sanction of Government will be held to have waived any claim he might otherwise have possessed to have the cost of his defence borne by Government.

10) In all cases in which the defence has been undertaken by Government, a certified copy of the judgment shall be sent for information of Government as soon as the case is disposed of.

the Govt. Order of 19-3-24 read above.

Generl. Secy. to Govt.

The Heads of Departments.
The Dy. Commrs. of all Districts.
The P.Prs. and Govt. Advocate.
The Compiler, Mys. Gazette to kindly have this printed in the next issue of the Gazette and supply 200 spare copies to G.R.S.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2185-2242—Law 214-34-4, dated 26th September—1st October 1935.

Conduct of criminal prosecutions instituted against public servants for offences alleged to have been committed in their official capacity

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READ—

Government Order No. P. 4966-5045—Cts. 76-28-12, dated 10—19th March 1924, promulgating the rules for the conduct of legal affairs of Government.

2. Correspondence ending with letter No. C2. 539-34, dated 16th August 1935, from the Inspector-General of Police, soliciting sanction of Government for certain rules being issued in the matter of legal assistance to police officers in criminal prosecutions launched against them.

ORDER No. P. 2185-2242—LAW 214-34-4, DATED BANGALORE, THE 26TH SEPTEMBER—1ST OCTOBER 1935.

The need for a set of rules prescribing the procedure to be followed by public servants in moving Government to undertake their defences in criminal cases launched against them has been felt on many an occasion. The Inspector-General of Police has proposed a set of rules applicable to his department for being incorporated in the Police Manual. Government however consider that a general set of rules applicable to all departments is to be preferred and they accordingly direct the promulgation of the rules appended to this order, the said rules being treated as Part III of the Rules for the conduct of the legal affairs of Government, published with the Government Order of 19th March 1924, read above.

H. V. RAMASVAMI,
Secretary to Government,
General Department.

To—The Heads of Departments.
The Deputy Commissioners of all districts.
The Public Prosecutors and the Government Advocate.
The Compiler, *Mysore Gazette.*

Exd.—C. K.

No. P. 2185-2242—Law 214-34-4, dated 26th September—1st October 1935.

APPENDIX

PART III

Conduct of criminal prosecutions instituted against public servants for offences alleged to have been committed in their official capacity

(1) When a public officer is prosecuted criminally for an offence alleged to have been committed in his official capacity, he may, if he is willing to bear the cost of his defence, make his own arrangements for his legal assistance. If, however he desires that the whole or any part of the cost of his defence shall be borne by Government, he shall observe the procedure prescribed below

(2) He shall, collect with the least practicable delay, all the information regarding the facts of the case which he can procure.

(3) He shall, immediately after being first apprised of the institution of a complaint against him, submit the following papers through the ordinary channel of communication to the Head of his Department :—

(*a*) A copy of the complaint together with its enclosures, if any.

(*b*) A translation of the same into English when it is in vernacular, the more important of the statements marked distinctly and notes being added in the margin whether such statements are correct or not, and if not, in what respects they are inaccurate.

(*c*) A full and detailed statement—

(i) of the circumstances which led to the prosecution ;

(ii) of the course proposed to be adopted, *viz.*, whether to admit, compromise or defend the prosecution and of the reason for the same ; and

(iii) of the evidence to be adduced.

(*d*) If the case is based on documentary evidence, copies of the documents (or the originals) relied on by the prosecution (if procurable) and by the defence.

(*e*) All the correspondence relating to the transaction alleged, with a request to move Government either to undertake the defence of the case on his behalf or to authorise him to engage his own counsel at Government cost.

(4) The Head of the Department shall forward to the Government, the papers received with his own recommendation whether the officer concerned should be defended at the cost of Government or not.

(5) In sanctioning the defence at Government cost, Government may either direct the Public Prosecutor or the Government Advocate as the case may be, to be engaged for the defence or direct the officer to engage his own counsel subject to such conditions and restrictions as to cost or otherwise that may be imposed in this behalf.

In simple cases against police officers, departmental aid will suffice and the defence may with the express sanction of the District Superintendent of Police, be undertaken by an Inspector (other than the Prosecuting Inspector) or other experienced officer.

(6) When the defence of the officer is sanctioned by Government, the question whether the whole or part of the cost incurred should be borne by Government will be determined after the termination of the case.

(7) The fees to be paid in case the Public Prosecutor or Government Advocate is engaged for the defence shall be regulated by Rules 56, 57 and 58.

(8) Whenever Legal Practitioners other than the Public Prosecutor or the Government Advocate are engaged, the fees payable shall be settled and got approved by Government prior to their engagement.

(9) Any accused officer who engages legal assistance without obtaining sanction of Government will be held to have waived any claim he might otherwise have possessed to have the cost of his defence borne by Government.

(10) In all cases in which the defence has been undertaken by Government, a certified copy of the judgment shall be sent for information of Government as soon as the case is disposed of.

(11) The above rules shall apply *mutatis mutandis* to appeals, revisions and other proceedings arising out of criminal cases against public officers

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O No. P. 2185-2242—Law 214-34-4, dated 26th September—1st October 1935.

Conduct of criminal prosecutions instituted against public servants for offences alleged to have been committed in their official capacity.

READ—

Government Order No. P. 4966-5045—Cts. 76-23-12, dated 10—19th March 1924, promulgating the rules for the conduct of legal affairs of Government.

2. Correspondence ending with letter No. C2. 539-34, dated 16th August 1935, from the Inspector-General of Police, soliciting sanction of Government for certain rules being issued in the matter of legal assistance to police officers in criminal prosecutions launched against them.

ORDER No. P. 2185-2242—LAW 214-34-4, DATED BANGALORE, THE 26TH SEPTEMBER—1ST OCTOBER 1935.

The need for a set of rules prescribing the procedure to be followed by public servants in moving Government to undertake their defences in criminal cases launched against them has been felt on many an occasion. The Inspector-General of Police has proposed a set of rules applicable to his department for being incorporated in the Police Manual. Government however consider that a general set of rules applicable to all departments is to be preferred and they accordingly direct the promulgation of the rules appended to this order, the said rules being treated as Part III of the Rules for the conduct of the legal affairs of Government, published with the Government Order of 19th March 1924, read above.

H. V. RAMASVAMI,
Secretary to Government,
General Department.

To—The Heads of Departments.
The Deputy Commissioners of all districts.
The Public Prosecutors and the Government Advocate.
The Compiler, *Mysore Gazette.*

Exd.—C. K.

(1) When a public officer is prosecuted criminally for an offence alleged to have been committed in his official capacity, he may, if he is willing to bear the cost of his defence, make his own arrangements for his legal assistance. If, however he desires that the whole or any part of the cost of his defence shall be borne by Government, he shall observe the procedure prescribed below :—

(2) He shall, collect with the least practicable delay, all the information regarding the facts of the case which he can procure.

(3) He shall, immediately after being first apprised of the institution of a complaint against him, submit the following papers through the ordinary channel of communication to the Head of his Department :—

(*a*) A copy of the complaint together with its enclosures, if any.

(*b*) A translation of the same into English when it is in vernacular, the more important of the statements marked distinctly and notes being added in the margin whether such statements are correct or not, and if not, in what respects they are inaccurate.

(*c*) A full and detailed statement—

(i) of the circumstances which led to the prosecution ;

(ii) of the course proposed to be adopted, *viz.*, whether to admit, compromise or defend the prosecution and of the reason for the same ; and

(iii) of the evidence to be adduced.

(*d*) If the case is based on documentary evidence, copies of the documents (or the originals) relied on by the prosecution (if procurable) and by the defence.

(*e*) All the correspondence relating to the transaction alleged, with a request to move Government either to undertake the defence of the case on his behalf or to authorise him to engage his own counsel at Government cost.

(4) The Head of the Department shall forward to the Government, the papers ved with his own recommendation whether the officer concerned should be ıded at the cost of Government or not.

(5) In sanctioning the defence at Government cost, Government may either direct the Public Prosecutor or the Government Advocate as the case may be, to be engaged for the defence or direct the officer to engage his own counsel subject to such conditions and restrictions as to cost or otherwise that may be imposed in this behalf.

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